

FEB. 24, 2014 11:04AM

SKOLOFF & WOLF

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WHEREAS, counsel for the parties met and conferred regarding the aforementioned topics in a conference telephone call on February 21, 2014;

WHEREAS, Plaintiffs have previously met and conferred with counsel for PBI regarding Plaintiffs' subpoena to PBI;

WHEREAS, the parties believe that a brief extension of the end date for pretrial factual discovery on the merits is desirable with respect to the specific issues raised in Plaintiffs' February 19, 2014 letter to Defendants and will facilitate diligent pretrial preparation of the case;

NOW THEREFORE, the parties hereby stipulate and agree that:

1. Pretrial factual discovery on the merits will be extended for thirty (30) days, i.e., to March 31, 2014 for the following purposes.

2. The Beam Defendants will re-review their documents to determine whether production of any "Dunn Humby" or "dunnhumby" sales-related information was inadvertently not made. Any responsive documents discovered as a result of such search shall be produced fourteen (14) days from the date of entry hereof;

3. Plaintiffs shall promptly supply the Skinnygirl Defendants with additional search terms relating to DISCUS pricing data and the Skinnygirl Defendants shall search those terms and produce any responsive documents within fourteen (14) days of receipt of additional search terms;

4. The Beam Defendants will search for additional responsive Facebook data not previously produced, if any, and produce any such previously-omitted data within fourteen (14) days of the date of entry hereof, or, within such time, confirm that no additional responsive documents exist;

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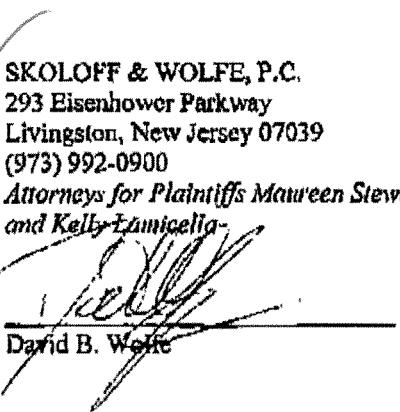
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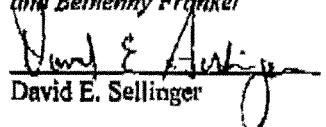
5. Within fourteen (14) days of the date of entry of this Stipulation, the Beam Defendants shall produce the additional documents requested at the deposition of Steven Fechheimer, namely: (a) Beam's litigation hold notice; (2) a redacted Asset Purchase Agreement, and; (c) written permission from CRT to use the "all natural" label for a period of time following Beam's acquisition of Skinnygirl Margarita.;

6. Plaintiff shall furnish examples of communications between PBI and Defendants which Plaintiffs desire to share with PBI to facilitate PBI's response to Plaintiffs' subpoena to PBI, and Defendants shall consent, or not, to Plaintiffs' providing such example documents to PBI within seven (7) days of receipt of such example documents by Defendants. Provided PBI executes Exhibit A to the protective order in this action (Docket No. 88) and Defendants consent, Plaintiffs may share the example documents with PBI to facilitate PBI's subpoenaed response;

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7. ~~Notwithstanding~~ Plaintiff shall file expert reports and expert disclosure 30 days after the parties' opinions and order on the pending motion to certify class (Doc. No. 123) is decided. Thereafter, the Court shall conduct a telephone conference to determine remaining discovery deadlines.

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SO ORDERED:

Karen M. Williams
Hon. Karen M. Williams, U.S.M.J.

Dated: February 24, 2014